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**UNITED STATE DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

MOISES SERRANO, individually
and on behalf of all others similarly
situated,

Plaintiff,

vs.

OPEN ROAD DELIVERY
HOLDINGS, INC. d/b/a AMUSE,
and DOES 1 through 10, inclusive,
Defendant.

Case No. 2:22-cv-07245-SB-AS

CLASS ACTION

**DECLARATION OF TODD M.
FRIEDMAN RE: DISTRIBUTION
STATUS**

Assigned to the Honorable Stanley
Blumenfeld, Jr.

DECLARATION OF TODD M. FRIEDMAN

I, TODD M. FRIEDMAN, declare:

1. I am one of the attorneys for the plaintiff in this action, Moises Serrano (“Mr. Serrano” or “Plaintiff”). I am an attorney licensed to practice law in the State of California.
2. The declaration is based upon my personal knowledge, except where expressly noted otherwise.

1 3. Pursuant to the Court's Order requiring Plaintiff to file an additional
2 declaration regarding final distribution, attached hereto as Exhibit A is a true
3 and correct copy of the declaration of Bradley D. Madden regarding
4 distribution status.

5 I declare under penalty of perjury under the laws of California and the United
6 States of America that the foregoing is true and correct, and that this declaration
7 was executed on September 10, 2024.

8 By: /s/ Todd M. Friedman
9 Todd M. Friedman, Esq.

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THE LAW OFFICES OF TODD M. FRIEDMAN, PC
WOODLAND HILLS, CA 91364

EXHIBIT A

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MOISES SERRANO,

Plaintiff,

v.

OPEN ROAD DELIVERY HOLDINGS, INC.,

Defendant.

Case No. 2:22-cv-07245-SB-AS

**DECLARATION OF BRADLEY D. MADDEN REGARDING DISTRIBUTION STATUS AND
ISSUANCE OF CY PRES**

I, BRADLEY D. MADDEN, hereby declare as follows:

I. INTRODUCTION

1. ***Personal Information.*** I am a Project Manager for the Court appointed Claims Administrator, Postlethwaite & Netterville, APAC (“P&N”). The following statements are based on my personal knowledge as well as information provided by other experienced employees working under my supervision.
2. ***The Capacity and Basis of this Declaration.*** I am over the age of 21. Except as otherwise noted, the matters set forth in this Declaration are based upon my personal knowledge, information received from the parties in this proceeding (the “Parties”), and information provided by my colleagues and our partners.

II. BACKGROUND

3. ***Final Approval.*** On December 13, 2023, the Court entered its Order Granting Motion for Final Approval of Class Action Settlement and Motion for Attorneys’ Fees and Costs, as well as the

Final Judgment. After the Court's final approval of the Settlement, P&N began to implement and coordinate the distribution of the Settlement Fund. On June 12, 2024, I provided an update to the Court on the status of distribution of funds to Claimants.

4. ***The Purpose of this Declaration.*** I submit this Declaration to advise the Court regarding the distribution activities completed and the current status of distribution of funds to Claimants.

III. SETTLEMENT FUND DISTRIBUTION

5. ***Payments to Claimants.*** As reported to the Court in our Final Approval declaration, there were 1,772 Class Members. All Class Members were due a payment based upon the number of text messages received from Open Road Delivery Holdings, LLC. In my previous declaration on June 12, 2024, P&N reported 395 remaining valid and outstanding checks to Claimants, amounting to \$44,810.37. These checks expired on July 9, 2024. Table 1 below provides a summary of the successful payments.

Table 1: Settlement Payment Summary		
Final Check Status	Count (#)	Dollars
Cleared Checks	549	\$93,118.87
Cleared Digital Payments	442	\$71,503.25
Total Successful Settlement Payments	991	\$164,622.12

6. ***Reissues to Claimants.*** Subsequent to my previous declaration and prior to the expiration of the checks on July 9, 2024, P&N received six (6) additional requests to reissue checks. As funds were still available and the requests were for valid payments, those requests were honored. Those checks were issued on July 8, 2024 and were set to expire on October 6, 2024. Five (5) of those reissue requests cleared the QSF bank account in July 2024. One (1) of these reissue requests has not yet cleared, nor has it been returned as undeliverable. P&N has attempted to contact the claimant via email and phone to confirm their receipt of funds, but no response has

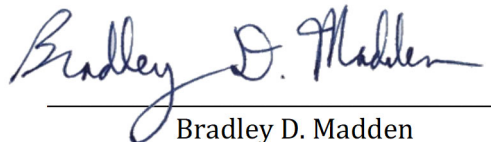
been received. As of September 9, 2024, there remains one (1) outstanding, valid check for \$9.13 and the equivalent amount in the QSF bank account to honor the check.

7. ***Issuance of Cy Pres Payment.*** On August 9, 2024, P&N issued a cy pres payment of \$86,155.64 to Electronic Privacy Information Center (EPIC) via wire transfer. If the final outstanding check of \$9.13 does not clear the QSF account by the expiration date of October 6, 2024, the residual balance of \$9.13 will be sent to EPIC via wire transfer. Table 2 below summarizes the distribution of settlement funds.

Table 2: Fund Summary	
Transaction Type	Total
Deposit	\$ 400,000.00
(-) Attorney Payments	\$ 109,155.50
(-) Service Award	\$ 5,000.00
(-) Settlement Administration	\$ 35,521.66
(-) Cleared Claimant Payments	\$ 164,622.12
(+) Interest Earned	\$ 464.05
Total Cy Pres Distribution	\$ 86,155.64
Remaining Balance (Outstanding check)	\$ 9.13

IV. CERTIFICATION

I, Bradley D. Madden, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge. Executed on this 9th day of September, 2024.



 Bradley D. Madden

CERTIFICATE OF SERVICE

Filed electronically on this 10th day of September, 2024, with:

United States District Court CM/ECF system

Notification sent electronically on this 10th day of September, 2024, to:

Honorable Judge Stanley Blumenfeld Jr.
United States District Court
Central District of California

And all counsel of record as recorded on the ECF page.

s/Todd M. Friedman
Todd M. Friedman, Esq.